IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.4589 OF 2005

Maharshi Karve Stree Shikshan
Samstha, Pune ..Petitioner.

Vs.

State of Maharashtra & Ors. ..Respondents.

....

Mr.S.G.Aney, Senior Advocate with
Mrs.S.S.Deshpande for the Petitioner.
Mr.V.P.Malwankar, AGP for Respondent no.1.

....

**CORAM : F.I.REBELLO &**
**DR.D.Y.CHANDRACHUD, JJ.**
11th October, 2005.

P.C. :

1. Rule. Heard forthwith. Learned AGP waives notice for Respondent No.1. Respondent No.2 has been served. However, none appears for Respondent No.2.

2. The main grievance of the Petitioner is in the matter of fixing of fees by Respondent No.2, which are lesser than what was fixed by the previous committee. Our attention is invited to various directions issued by this Court including in Writ Petition 2174 of 2004 in case of Mahavir Education Trust and another v. The State of Maharashtra and another disposed of on August 30, 2005 and a further order of this Court in Writ Petition 5247 of 2005 in the case of Shri Aillak Pannalal Digambar Jain Pathashala, Solapur & anr. v. Shikshan Shulka Samiti & Ors. decided on 26th September, 2005. By the said orders, the matters have been sent back to the Samiti to reconsider and decide the matters after hearing the Petitioners, Respondents and other affected parties therein as expeditiously as possible.

3. On behalf of the Petitioner, learned counsel points out that the norms fixed by the committee as can be seen from the affidavit filed in Writ Petition 5247 of 2005 are generally not known to a person like the Petitioner as they are

not published and apart from that it is pointed out that various other relevant factors which ought to have been taken into consideration while fixing the norms have not been considered. Learned counsel points out that the fixation has been done based on the actual salary and wages paid in the year 2003-04. The Committee has not taken into consideration the annual increments and D.A. increase. Our attention was also invited to various other factors which were required to be considerd for fixation of fees. We do not propose to go into the issue, but leave it to Respondent No.2 to consider all such contentions as raised by the Petitioner and if in the opinion of the committee they are relevant for the purpose of fixing the fees to include them in the criteria and thereafter fix the fees accordingly.

4. Considering the above, the following order:

We direct Respondent No.2 not to act on the order dated 27th June, 200 as if it does not exist and after hearing the Petitioner, Respondents and other affected parties to pass fresh order based on the

material placed before it and on the norms which the committee may fix for fixation of fess. If it comes to the conclusion that the points raised by the Petitioner are essential for fixing the fees. In the meantime, the interim order directing payment of fees fixed by the earlier committee is allowed to be continued till the final decision by the committee. Rule made absolute accordingly. There shall be no order as to costs.

(F.I.REBELLO, J.)

(DR.D.Y.CHANDRACHUD, J.)